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REMARKS

In accordance with the foregoing, claims 1, 6, 8 and 12 are amended herewith. Claim 7 is canceled. No new matter is added. Claims 1-6 and 8-12 are pending and under consideration.

DRAWINGS

Applicants respectfully submit that if the color drawings petition filed on May 18, 2006 is approved, the objection referring to the color drawings is moot. Until receiving the decision regarding the petition filed on May 18, 2006, Applicants cannot take any additional corrective action and therefore, respectfully request that thus objection be held in abeyance.

SPECIFICATION

The specification is objected to for not including a reference to the copending U.S. application 10/766859. Applicant's representative called the Examiner and pointed out that the indicated reference is not related to the present application, i.e. the applications do not have a common ancestor or claim priority from the same foreign reference. Therefore, Applicants do not have to reference it in the specification. The Examiner agreed and indicated withdrawal of the objection.

DOUBLE PATENTING

Applicants respectfully request to be allowed to present arguments relative to the provisional obviousness-type double patenting issues once the rejection of the claims is resolved or upon allowance of U.S. Patent Application No. 10/766,859.

INFORMATION DISCLOSURE STATEMENT

On page 7 of the Office Action, it is alleged that the IDS filed on 11/23/2005 (03/06/2003 was the filing date of the Amendment not of the IDS) fails to comply with 37 C.F.R. 1.98 (a) (3) because it does not include the English abstract corresponding to Japanese Patent Application JP 04-042087. Applicants respectfully request withdrawal of the objection and appropriate consideration of the reference, because the abstract was filed with the IDS as evidenced by PAIR. The Examiner was understandably confused because the English abstract was scanned at the USPTO as the second page of the reference instead of being the first page as in the case of the other foreign references.

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CLAIM REJECTIONS UNDER 35 U.S.C. § 112

Claims 1-12 are rejected under 35. U.S.C. §112, second paragraph as being indefinite relative to the recitation "the number of colors." Applicants amend independent claims 1, 6 and 12 to recite "the appearance property being at least one of a fill area, colors, and a number of data objects."

CLAIM REJECTIONS UNDER 35 U.S.C. § 102

Claims 1, 6-7, and 12 are rejected under 35 U.S.C. §102 (e) as being unpatentable over U.S. Patent No. 6,587,784 to Okude et al. (hereinafter "Okude").

Okude is directed to a stereoscopic map-display method of displaying a scene according to a perspective map from a predetermined view point.

Applicants respectfully submit that Okude does not disclose "an appearance property obtaining unit that obtains an appearance property of each of a plurality of object sets that are represented in a same data representation type on a screen, each of the object sets being data objects indicating a type of data, the appearance property indicating at least one of a fill area, colors, and a number of data objects in an object set."

In Okude, the arithmetic processing unit 1 extracts information about buildings from a map database 3 in order to generate a stereoscopic map displayed on the display device 2 (see FIG. 1 of Okude). The information includes the type of building, name, number of floors (height), tenant information, and detail information such as whether the building includes an accessible bathroom. Different colors, for example, are not assigned to different buildings as a result of the operation of the device. The different colors can be assigned to different buildings before the operation of the device, so that different types of buildings can be distinguished from each other based on the colors before the operation of the device. The information about the building is then used to highlight buildings by changing their appearance in the stereoscopic map if, for example, the user indicates a particular interest. Okude teaches that a device corresponding to the data display device of claim 1 assigns only a "height" (flat or as a three dimensional object) of the representation of a building. However, in Okude the appearance information is directed to only one data object.

In contrast, according to claim 1, the appearance property for each object set from a plurality of objects indicates, for example (not limiting), a number of data objects (e.g., vectors) in an object set. The information about the buildings in Okude refers individually to one data object (one building), which is not the case with the appearance property as recited in claim 1.

Consider the following table comparing a data representation type, an object set, a data object and an appearance property. Vectors may be, for example, the vectors illustrated by arrows in FIG. 4 of the specification in which the thick arrows form one assembly of vectors and the thin arrows form another assembly of vectors.

	Specification (see FIG.4)	Okude
Data Representation Type	Vector Format	Building Format
Object Set	One of the Assemblies of Vectors	Post Office
Data Object	Each Vector in the One of the Assemblies of Vectors	Each of Type Name, Height, and the like
Appearance Property	Number of Vectors in the One of the Assemblies of Vectors	Height

Okude only treats "height" as the appearance property, and, therefore, the appearance property relates to only one data object. In the Office Action[1], it is alleged that the appearance property can represent the number of floors as in FIG. 11, steps 601a, 602b, 603b, or in FIG. 12, steps 601a, 603c. However, the number of floors therein is simply information about the same one data object (building) represented on the map, the number of floors ultimately being merely another manner of measuring the same appearance property, the height of the building based on which the building will be represented in two-dimensional or three dimensional manner (see FIGS. 8A and 8B of Okude).

In contrast, the present application treats the number of vectors in one assembly of vectors as the appearance property. Thus, the appearance property relates to all of the data objects set since the number must be counted by considering all of the vectors in the object set. Therefore Okude fails to teach "an appearance property obtaining unit that obtains an appearance property of each of a plurality of object sets that are represented in a same data representation type on a screen, each of the object sets including data objects indicating a type of data, the appearance property being at least one of a fill area, color, and a number of data objects in an object set," as recited in claim 1.

Further, Applicants further respectfully submit that Okude does not anticipate "a weighting unit that applies a weighted value to each object set based on the appearance

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property." Okude toggles the representation of an architectural body based on a relation between a calculated distance d between the view point and the architectural body and a level difference L (see FIG. 6 of Okude, step 603). If d>L the architectural body is represented as a three dimensional object, while if d<L the architectural body is represented as a contour (i.e., two-dimensional) with changed representation method such as color, shape line-type). That is, in Okude, there are two possible representations, while the weighting unit of the present invention can apply a weighted value chosen from more values. The term "weighting" implies, that there are more than two possibilities. For example, there might be thick arrows, thicker arrows, thickest arrow, etc.

Therefore, Okude fails to teach or suggest every feature recited in claim 1, claim 1 and claims 2-5 and 9-11 depending from claim 1 are patentable over the cited prior art.[2]

Claim 6, which is directed to a computer-implemented data display method, is also patentable over the cited prior art at least by reciting:

- obtaining an appearance property of each of a plurality of object sets that are represented in a same data representation type on a screen, each of the object sets including data objects indicating a type of data, the appearance property being at least on of a fill area, colors, and a number of data objects in an object set; and

- changing an appearance of at least one of the object sets so that the at least one of the object sets is displayed in a distinct appearance based on the appearance property.

Similarly, claim 12 is patentable by reciting:

- a weighting unit that applies a weighted value to each of a plurality of object sets that are represented in a same data representation type on a screen, based on an initial appearance property indicating at least one of a fill area, colors, and a number of data objects in the object set, at least one of the object sets having a distinct final appearance depending on the weighted value.

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[1] See the Office Action mailed September 26, 2006, page 10.
[2] See MPEP 2131: "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference," (Citations omitted) (emphasis added). See also MPEP 2143.03: "All words in a claim must be considered in judging the patentability of that claim against the prior art."

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CLAIM REJECTIONS UNDER 35 U.S.C. § 103

Dependent claims 2-4 are rejected under 35 U.S.C. §103(a) as unpatentable over Okude in view of U.S. Patent Application No. 2005/0052462 to Sakomoto et al. ("Sakomoto").

Dependent claims 3 and 5 are rejected under 35 U.S.C. 103(a) as unpatentable over Okude in view of U.S. Patent No. 6,658,375 to McQuarrie et al. ("McQuarrie") and U.S. Patent Application Publication 2005/0099321 to Pearce ("Pearce").

Dependent claims 8-10 are rejected under 35 U.S.C. §103(a) over Okude, in view of Sakomoto and further in view "Envision Information" by Edward Tufte ("Tufte") and U.S. Patent Application Publication 2002/00781131 to Dowd et al. ("Dowd").

Dependent claim 11 is rejected under 35 U.S.C. §103(a) as unpatentable over Okude in view of McQuarrie and Pearce and further in view of Tufte and Dowd.

Applicant respectfully submits that none of the cited references alone or in combination correct or compensate the above-identified deficiency of Okude in teaching the features of the independent claims 1, and 6.

Additionally, Applicants traverse the above obviousness rejections because no motivation to combine is provided in the outstanding Office Action.[3] In particular, Applicants respectfully assert that the statements on page 15 "Okude and Sakomoto do not expressly teach this limitation. A PHOSITA would turn to standard textbooks..." to identified teachings that would compensate for the admitted missing limitation, represents hindsight reconstruction which is clearly inappropriate.

CONCLUSION

If there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

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[3] See MPEP 2142 stating, as one of the three "basic criteria [that] must be met" in order to establish a *prima facie* case of obviousness, that "the prior art reference (or references when combined) must teach or suggest all the claim limitations," (emphasis added). See also MPEP 2143.03: "All words in a claim must be considered in judging the patentability of that claim against the prior art."

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If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: Dec. 26, 2006

By: _Luminita A. Todor_
Luminita A. Todor
Registration No. 57,639

1201 New York Ave, N.W., 7th Floor
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501

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I hereby certify that this correspondence is being trans-
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STAAS & HALSEY
By: S. Todor
Date: Dec. 26, 2006